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Attorneys for Defendant
NETSEER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEDIA.NET ADVERTISING FZ-LLC, a
Foreign Limited Liability Company,

Plaintiff,

vs.

NETSEER, INC., a Delaware Corporation
and DOES, 1-10,

Defendant.

No. 3:14-cv-3883-EMC

STIPULATION AND [PROPOSED]
ORDER TO CONTINUE AUGUST 18,
2016 CASE MANAGEMENT
CONFERENCE AND AMEND FIRST
AMENDED CASE MANAGEMENT
AND PRETRIAL ORDER (DE 78)

Date: August 18, 2016
Time: 10:30 a.m.
Judge: Hon. Edward Chen
Location Ctrm. 5, 17th Fl.

1 Plaintiff Media.Net Advertising FZ-LLC ("Media.Net") and Defendant NetSeer, Inc.
2 ("NetSeer") (collectively the "Parties"), by and through their counsel of record, stipulate and
3 agree as follows:

4 WHEREAS, the Court has scheduled a Case Management Conference for August 18,
5 2016 at 10:30 a.m. and directed that the Parties file a Status Report in advance of the
6 Conference on or before August 11, 2016 (Docket Entry DE 77);

7 WHEREAS, on July 17, 2016, the Court made and entered the following minute order
8 (DE 92) inviting the parties to submit a stipulation to continue the case management
9 conference scheduled for August 18, 2016, in view of the need to reschedule an August 10,
10 2016 settlement conference scheduled before Magistrate Judge Laurel Beeler: "Minute Entry
11 for proceedings held before Judge Edward M. Chen: Motion Hearing held on 7/15/2016 re
12 DE 84 MOTION to Dismiss *Second Amended Complaint (Rule 12(b)(6))* or, in the Alternative,
13 *Motion to Strike (Rule 12(f))* and Supporting Memorandum of Points and Authorities filed by
14 Netseer, Inc. The matter was argued, submitted, and taken under submission. The parties may
15 submit a stipulation to continue the August 18th status conference as the settlement conference
16 currently scheduled for August 10 may be rescheduled due to the unavailability of the client
17 rep." (Declaration of Vernon H. Granneman ("Granneman Decl.") filed herewith, ¶ 3;

18 WHEREAS, during the hearing on July 15, 2016, counsel for NetSeer also proposed to
19 continue certain dates set by the Court in its April 11, 2016 First Amended Case Management
20 and Pretrial Order for Jury Trial (DE 78) in view of the limitation on discovery imposed by the
21 Court pending the settlement conference and the need to continue the conference because of
22 the unavailability of Media.net's client representative. Counsel for Media.net and the Court
23 indicated general agreement with that request so long as the scheduled trial date of May 8,
24 2017 was not changed. *Id.* at ¶;

25 WHEREAS, thereafter, counsel for the parties communicated with Magistrate Judge
26 Beeler and her chambers and agreed on a new settlement conference date of September 16,
27 2016. On July 25, 2016, Magistrate Judge Beeler's Clerk issued the following notice:
28 "CLERK'S NOTICE: After consultation with counsel, the court vacates the settlement

1 conference on August 10, 2016 before Magistrate Judge Laurel Beeler. Settlement Conference
2 reset to 9/16/2016 at 9:30 AM in Courtroom C, 15th Floor, San Francisco. Settlement
3 Conference Statements due 7 days prior to the conference. The Settlement Order issued on
4 February 10, 2015, ECF No. 22 remains in affect. *(This is a text-only entry generated by the*
5 *court. There is no document associated with this entry.)* (lsS, COURT STAFF) (Filed on
6 7/25/2016) (Entered: 07/25/2016).” (DE 97): Granneman Decl., ¶ 5;

7 WHEREAS, counsel for the parties agree to the following continuance of the Case
8 Management Conference and amendment of certain dates in the Pretrial Order:, Granneman
9 Decl., ¶ 6;

10 1. The Case Management Conference scheduled for August 18, 2016 at 10:30 a.m. shall
11 be vacated and continued to September 29, 2016 at 10:30 a.m. The parties shall prepare and
12 file a Joint Case Management Statement seven days in advance of the rescheduled conference.

13 2. The Pretrial Order shall be amended as follows:

- 14 a. The date for Non-Expert Discovery Cut-Off shall be continued from
15 October 27, 2016 to December 15, 2016;
16 b. The date for Opening Expert Reports shall be continued from October 27, 2016
17 to December 15, 2016;
18 c. The date for Rebuttal Expert Reports shall be continued from November 25,
19 2016 to January 17, 2017; and
20 d. The date for Expert Discovery Cut-off shall be continued from December 15,
21 2016 to February 10, 2017.

22 WHEREAS, the requested time modification will have no effect on the case schedule,
23 except as described above, Granneman Decl., ¶ 8;

24 WHEREAS, good cause exists to grant the requested continuance, Granneman Decl., ¶
25 9;

26 NOW THEREFORE, the Parties stipulate and request an order as follows:

27 1. The Case Management Conference scheduled for August 18, 2016 at 10:30 a.m. shall
28 be vacated and continued to September 29, 2016 at 10:30 a.m. The parties shall prepare and
file a Joint Case Management Statement seven days in advance of the rescheduled
conference.

2. The Pretrial Order shall be amended as follows:

- a. The date for Non-Expert Discovery Cut-Off shall be continued from October 27, 2016 to December 15, 2016;
- b. The date for Opening Expert Reports shall be continued from October 27, 2016 to December 15, 2016;
- c. The date for Rebuttal Expert Reports shall be continued from November 25, 2016 to January 17, 2017; and
- d. The date for Expert Discovery Cut-off shall be continued from December 15, 2016 to February 10, 2017.

3. Except as expressly amended by this stipulation and order, the dates in the Pretrial Order (DE 78) are unchanged, including the scheduled date of May 8, 2017 for commencement of trial.

The Parties shall file a Status Report seven days in advance of the rescheduled conference.

Dated: August 12, 2016.

/s/ Leeor Neta
Leeor Neta
Attorney for Plaintiffs Media.Net
Advertiser FZ-LLC

/s/ Vernon H. Granneman
Vernon H Granneman
Attorney for Defendant NetSeer, Inc.

SIGNATURE ATTESTATION

Pursuant to Civil L.R. 5.1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Leeor Neta.

/s/ Vernon H. Granneman
Vernon H. Granneman

[Proposed] Order

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS
ORDERED AS FOLLOWS:

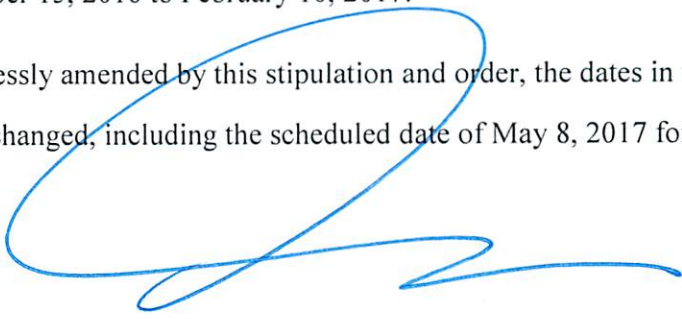
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- c. The date for Rebuttal Expert Reports shall be continued from November 25, 2016 to January 17, 2017; and
- d. The date for Expert Discovery Cut-off shall be continued from December 15, 2016 to February 10, 2017.

3. Except as expressly amended by this stipulation and order, the dates in the Pretrial Order (DE 78) are unchanged, including the scheduled date of May 8, 2017 for commencement of trial.

Date: 8/15/16



Honorable Edward Chen
United States Magistrate Judge